

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING SECTION 12.345 OF THE SAN BERNARDINO COUNTY CODE, ALLOWING DESIGNEES OF THE COUNTY RISK MANAGER TO PERFORM CERTAIN FUNCTIONS FORMERLY STATED TO BE PERFORMED EXCLUSIVELY BY THE COUNTY RISK MANAGER.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. Section 12.345 of the San Bernardino County Code is amended, to read:

**12.345 Authority of the Risk Manager, Risk Management Division Chief:**

(a) The Risk Manager shall have the power to shut down any County operation or facility which represents an imminent hazard to County employees or to the public.

(b) The Risk Manager or his or her designee is authorized to allow, deny, compromise or settle any tort liability claim or action that is filed against the County of San Bernardino, its officers or employees provided that as to payment:

(1) The amount to be paid pursuant to such allowance, compromise or settlement does not exceed fifty thousand dollars (\$50,000); provided further, that if the matter is in litigation, the allowance, compromise or settlement is with the concurrence of the County Counsel or other attorney retained by the County of San Bernardino, its officers or employees. If the amount to be paid exceeds fifty thousand dollars (\$50,000), the allowance, compromise or settlement must be approved by the Board of Supervisors.

(2) The claim or action is not subject to the terms of an insurance policy wherein the insurer is granted the authority to allow, deny, compromise or settle claims or actions within the scope of such policy.

(c) The Risk Manager or his or her designee is authorized to allow, deny,

1 compromise or settle Workers' Compensation claim or case that is filed against the  
2 County of San Bernardino provided:

3 (1) The claim or action is for benefits as defined under the Workers'  
4 Compensation Laws of the State of California.

5 (2) The claim or action is not subject to the terms of an insurance  
6 policy wherein the insurer is granted the authority to allow, deny, compromise or  
7 settle claims or actions within the scope of such policy.

8 (3) That any such compromise or settlement is approved by the  
9 Workers' Compensation Appeals Board (WCAB).

10 (4) Except as hereinafter provided, the amount to be paid pursuant to  
11 such compromise or settlement does not exceed fifty thousand dollars (\$50,000);  
12 provided further, that if the matter is in litigation the compromise or settlement is with  
13 the concurrence of the attorney retained to represent the County of San Bernardino.  
14 If the amount to be paid exceeds fifty thousand dollars (\$50,000), the compromise or  
15 settlement must be approved by the Board of Supervisors, unless the amount of  
16 compromise or settlement is to meet State-mandated payments or benefits under  
17 the Workers' Compensation Laws of the State of California such as WCAB-approved  
18 lump sum payments for permanent disability, life pension, burial expense and/or  
19 death benefits or unless the Workers' Compensation Appeals Board enters an  
20 award or other judgment or order.

21 (d) In all claims or actions that are allowed, compromised or settled, the  
22 Auditor-Controller shall, upon written order of the Risk Manager or his or her  
23 designee, an in accordance with the terms of such allowance, compromise or  
24 settlement, cause the necessary warrant to be issued upon the Treasury of the  
25 County of San Bernardino in an amount for which such tort liability or Workers'  
26 Compensation claim or action has been allowed, compromised or settled pursuant to  
27 this section.  
28

SECTION 2. This ordinance shall take effect thirty (30) days from the date of adoption.

DENNIS HANSBERGER, Chairman  
Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY  
OF THIS DOCUMENT HAS BEEN DELIVERED  
TO THE CHAIRMAN OF THE BOARD

J. RENÉE BASTIAN, Clerk of the Board of Supervisors

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO ) ss.

I, J. RENÉE BASTIAN, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify that at a regular meeting of the Board of Supervisors of said County and State, held on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_, at which meeting were present Supervisors: \_\_\_\_\_

and the Clerk, the foregoing ordinance was passed and adopted by the following

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vote, to wit:

AYES: SUPERVISORS:

NOES: SUPERVISORS:

ABSENT: SUPERVISORS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the  
official seal of the Board of Supervisors this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

J. RENÉE BASTIAN, Clerk of the  
Board of Supervisors of the  
County of San Bernardino,  
State of California

\_\_\_\_\_  
Deputy

Approved as to Form:

RONALD D. REITZ, County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

Date: \_\_\_\_\_